

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALEXANDER ACEVAL #559981,

Plaintiff,

Case No. 06-15287

v.

District Judge Arthur J. Tarnow  
Magistrate Judge R. Steven Whalen

GREGORY GASKIN, et al.,

Defendants.

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**ORDER**

Plaintiff is a *pro se* prison inmate who has filed a civil complaint pursuant to 42 U.S.C. §1983. He has filed an “Application for Appointment of Counsel Financial Affidavit” [Docket #3], which the Court will construe as a motion for the appointment of counsel.

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. The Defendants in this case have not been served, nor has Plaintiff complied with

this Court's order of January 11, 2007, directing that he provide 15 additional copies of the Complaint to the Court, so that service might be effected.

At this point, Plaintiff's motion to appoint counsel is premature. If Plaintiff's claims ultimately survive dispositive motions or other forms of dismissal, he may renew his motion for appointment of counsel at that time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel [Docket #3] is **DENIED WITHOUT PREJUDICE**.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: April 4, 2007

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on April 4, 2007.

S/G. Wilson  
Judicial Assistant